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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: CLARK ET AL. Examiner: J. CHENG
Serial No.: 10/690,335 Group Art Unit: 3713
Filed: OCTOBER 20, 2003 Docket: 1165.54USC5
Confirmation No.: 2193
Title: CATEGORIZED DATA ITEM REPORTING SYSTEM AND METHOD

CERTIFICATE UNDER 37 CFR 1.8:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 February 22 2005.

By:

Name:

Kristine A. Wacek
Kristine A. Wacek

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

23552

PATENT TRADEMARK OFFICE

Sir:

We are transmitting herewith the attached:

- ☒ Transmittal Sheet in duplicate containing Certificate of Mailing
- ☒ Supplemental Information Disclosure Statement, Form 1449, 2 Reference(s)
- ☒ Notification of Litigation and Attachments A-D
- ☒ Return postcard

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers or any future reply, if appropriate. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate of this sheet is enclosed.

Merchant & Gould P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903
612.332.5300

By:

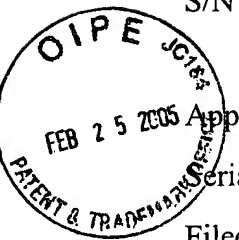
Name: Katherine M. DeVries Smith

Reg. No.: 42,157

KDeVriesSmith:PLSkaw

S/N 10/690,335

PATENT



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By:
Name:

Kristine A. Wallace
Kristine A. Wallace

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT (37 C.F.R. § 1.97(b))

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450



Dear Sir:

With regard to the above-identified application, the items of information listed on the enclosed Form 1449 are brought to the attention of the Examiner.

This statement should be considered because it is submitted before the mailing of a first Office Action after the filing of a Request for Continued Examination under 37 C.F.R. § 1.114 or a CPA under 37 C.F.R. § 1.53(d). Accordingly, no fee is due for consideration of the items listed on the enclosed Form 1449.

A copy of any foreign patent document or "Other Document" listed on the Form 1449 is enclosed, in accordance with 37 C.F.R. §1.98(a)(2). Because this application was filed after June 30, 2003, copies of the U.S. Patents and U.S. patent publications listed on the enclosed Form 1449 are not provided.

No representation is made that a reference is "prior art" within the meaning of 35 U.S.C. §§ 102 and 103 and Applicants reserve the right, pursuant to 37 C.F.R. § 1.131 or otherwise, to establish that the reference(s) are not "prior art." Moreover, Applicants do not represent that a reference has been thoroughly reviewed or that any relevance of any portion of a reference is intended.

Consideration of the items listed is respectfully requested. Pursuant to the provisions of M.P.E.P. 609, it is requested that the Examiner return a copy of the attached Form 1449, marked as being considered and initialed by the Examiner, to the undersigned with the next official communication.

Please charge any additional fees or credit any overpayment to Deposit Account No. 13-2725.

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300

Date: Feb. 22, 2005

Kate DeVries Smith
Katherine M. DeVries Smith
Reg. No. 42,157
KDS:PLSkaw

FORM 1449* INFORMATION DISCLOSURE STATEMENT IN AN APPLICATION (Use several sheets if necessary)	Docket Number: 1165.54USC5		Application Number: 10/690,335
	Applicant: CLARK ET AL.		
	Filing Date: 10/20/2003	Group Art Unit: 3713	



U.S. PATENT DOCUMENTS						
EXAMINER INITIAL	DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	4,358,277	11/09/1982	Moyes et al.			
	5,416,312	05/16/1995	Lamoure			
	6,042,384	03/28/2000	Loiacono			
	6,256,399 B1	07/03/2001	Poor			
	6,466,683 B1	10/15/2002	Poor			
	2003/0086586 A1	05/08/2003	Poor			
	2004/0063087 A1	04/01/2004	Clark et al.			
	6,749,435 B2	06/15/2004	Clark et al.			
	2004/0202991 A1	10/14/2004	Clark et al.			

FOREIGN PATENT DOCUMENTS							
	DOCUMENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)		
		Defendant Measured Progress' Answer to Complaint, April 23, 2001, Civil Action No. 01-CV-386, District of Minnesota, NCS Pearson, Inc. v. Measured Progress, Inc.
		Complaint filed February 14th, 2002, Civil Action No. 02-382 ADM/AJB, District of Minnesota, NCS Pearson, Inc. v. Measurement Incorporated.

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EXAMINER	DATE CONSIDERED
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant.	